IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVI APPELLATE SIDE JURISDICTION

WRIT PETITION NO 6345 of 2005

William Paul D'Souza....Petitioner

vs

The State of Mah and anr....Respondents

Mr. K.R.Dhanuka for petitioner

Ms S S Bhende AGP for State

Mr D.P Dighe for respondent no. 2

CORAM: S.U.KAMDAR J.

Dated 5.l2.2005

P.C:

. By consent of the parties the impugned order dated l4.7.2005 passed in A.O. No.86 of 2005 is quashed and set aside. The matter is remitted back to be heard by the 3rd Coop Court Mumbai and decide the application of the petitioner. The Coop Court is directed to hear and determine the application of the petitioner for leave to defend . The court to determine the said application on its own merit and without being influenced by any order passed by the appellate court or by this court. The application to be heard and disposed of by the 3rd Coop Court on or before 3lst December 2005. The respondent will be at liberty to file reply/rejoinder before the application is finally

determined.

. Petition is disposed of accordingly with no order as to costs.